



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

April 24, 2014

Christopher C. Horner, Esq.  
Competitive Enterprise Institute  
1899 L Street, N.W.  
Washington, D.C. 20036

[Via Express Mail and FOIA Online]

Re: Freedom of Information Act Request No. EPA-R9-2013-007631

Dear Mr. Horner:

The U.S. Environmental Protection Agency ("EPA") has completed its search for and review of records responsive to the above-referenced Freedom of Information Act ("FOIA") request and is enclosing the final release of records pursuant to that request. Certain records or portions of records that are responsive to your request are being withheld pursuant to FOIA Exemption 5 (i.e., the deliberative process privilege, the attorney client privilege, and the attorney work product privilege) and Exemption 6 (personal privacy) (*see* 5 U.S.C. § 552(b)(5) & (6)): fifteen (15) records with attachments and twenty (20) documents without attachments are being withheld in full under Exemption 5; and four (4) records with attachments are being withheld in full under Exemption 6.

This release also includes records from which partial withholdings have been made. The exemption cited for each partial withholding can be seen in the redacted areas of the documents. Further, some of the potentially responsive records initially collected in response to your FOIA request and included in the Bates numbering system of this final release have now been determined to be non-responsive.

The records or portions of records withheld under the deliberative process privilege are exempt from disclosure because they are intra-agency or inter-agency emails, memoranda or draft documents that are pre-decisional, deliberative and would harm EPA's decision making process if released. The records or portions of records withheld under the attorney client and attorney work product privileges consist of confidential communications between agency attorneys and clients concerning legal advice or are documents prepared by, or at the direction of, an agency attorney in contemplation of litigation. Records or portions of records withheld under Exemption 6 contain personal information of individuals, such as personal email addresses, the disclosure of which would constitute an unwarranted invasion of personal privacy.

Finally, some of the potentially responsive records collected in response to your FOIA request are EPA Region 9 Administrator Jared Blumenfeld's public financial disclosure forms

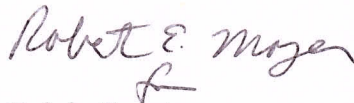
(OGE Form-278) and are currently being withheld under FOIA Exemption 3. See 5 U.S.C. § 552(b)(3). The procedure for releasing public financial disclosure forms is set forth in the Ethics in Government Act ("EIGA"), 5 U.S.C. app. § 105, with implementing regulations at 5 C.F.R. § 2634.603. To obtain copies of Mr. Blumenfeld's public financial disclosure reports, you must complete OGE Form-201 (<http://oge.gov/OGE-Advisories/Legal-Advisories/Attachment-to-DO-99-039--1999-Edition-of-OGE-Form-201/>), and send it directly to EPA's Senior Counsel for Ethics, Justina Fugh, at the following address:

U.S. Environmental Protection Agency  
William Jefferson Clinton Building North  
1200 Pennsylvania Avenue, N.W., Room 4308  
Mail Code 2311A  
Washington, DC 20460

This letter concludes EPA's response to the above-referenced FOIA request. You may appeal this partial denial to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service, or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20001. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day deadline. The appeal may include as much or as little related information as you wish, as long as it clearly identifies the determination being appealed and includes the assigned FOIA request number – EPA-R9-2013-007631. For quickest possible handling, the appeal letter and its envelope should be marked "**Freedom of Information Act Appeal.**"

If you have any questions, please contact Agency counsel Steven Jawgiel at (415) 972-3876 or Beatrice Wong at (415) 947-3574. You may also contact the Agency's FOIA Public Liaison, Deborah Williams at 202-566-1659. In order to ensure seamless communications with the Agency, I ask that you copy Mr. Jawgiel's email address, [Jawgiel.steven@epa.gov](mailto:Jawgiel.steven@epa.gov), on all email correspondence you have with the Agency.

Sincerely,



Sylvia Quast  
Regional Counsel

Enclosure